

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOSE ALVAREZ-ABREGO,

Petitioner,

v.

JEFF UTTECHT,

Respondent.

No. C10-5543 RBL/KLS

ORDER DENYING MOTION FOR THE
APPOINTMENT OF COUNSEL

This 28 U.S.C. § 2254 petition has been assigned to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S. C. § 636(b)(1) and Local MJR 3 and 4. Petitioner has filed a motion for the appointment of counsel. Dkt. 1-1. Petitioner requests the appointment of counsel because he is Mexican and is unable to read, write and speak English. He has been assisted by another prison inmate in presenting his habeas petition. *Id.*

There is no right to have counsel appointed in cases brought under 28 U.S.C. § 2254 unless an evidentiary hearing is required, because the action is civil, not criminal, in nature. See *Terravona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988); *Brown v. Vasquez*, 952 F.2d 1164, 1168 (9th Cir. 1992); and Rule 8(c) of the Rules Governing Section 2254 Cases in the United States District Courts.

1 An evidentiary hearing has not been granted in this case and the claims in the petition are
2 adequately set forth and articulated. The court has not yet determined that an evidentiary hearing
3 is necessary. Therefore, Petitioner's request for counsel shall be denied at this time.

4 Accordingly, it is **ORDERED**:

- 5 (1) Petitioner's motion for counsel (Dkt. 1-1) is **DENIED**.
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7 (2) The Clerk is directed to send copies of this Order to Petitioner.

8 DATED this 14th day of September, 2010.

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11 Karen L. Strombom
12 United States Magistrate Judge
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